UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| JOHN JOHNSON, | |
|---------------------------|---------------------------------|
| Plaintiff, |) CASE NO. 3:12-0941 |
| v. |) JUDGE CAMPBELL |
| NATIONWIDE EXPRESS, INC., |)) MAGISTRATE JUDGE KNOWLES |
| Defendant. |)) |

NOTICE OF DISMISSAL WITHOUT PREJUDICE

PLEASE TAKE NOTICE THAT pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff, JOHN JOHNSON, hereby voluntarily dismisses this matter without prejudice, without costs and without fees, as to the Defendant, NATIONWIDE EXPRESS, INC., only.

DATED: January 15, 2013 Respectfully submitted,

FOY LAW GROUP, P.A.

/s/ Robert J. Foy ROBERT J. FOY, BPR #025919 Attorney for Plaintiff 620 North Walnut Street Murfreesboro, TN 37130 P: 615.895.0332

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Mark M. Bell Waller Lansden Dortch & Davis, LLP 511 Union Street, Suite 2700 Nashville, TN 37219 Attorney for Nationwide Express, Inc. Cameron S. Hill Baker Donelson 1800 Republic Centre Chattanooga, TN 37450 Attorney for Mutual of Omaha

/s/ Robert J. Foy ROBERT J. FOY